REMARKS

Claims 1-13 are all the claims pending in the application. Claims 1-3 and 7-13 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Valero (US Pat. App. 2003/0081038, hereafter "Valero 1"). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero 1 in view of Williams (US 6,164,749). Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero 1 in view of Butterfield (US 6,685,297). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero 1 in view of Valero (US 6,802,580, hereafter "Valero 2"). By this Amendment, Applicants are amending claims 1 and 11-13.

Applicants thank the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of the certified copies of the priority documents submitted January 27, 2004.

Applicants thank the Examiner for considering the references cited with the Information Disclosure Statement filed January 27, 2004.

Applicants respectfully request that the Examiner indicate that the Formal Drawings filed January 27, 2004 are accepted.

§102(a) rejections

1. Claims 1-3 and 7-13 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Valero (US Pat. App. 2003/0081038, hereafter "Valero 1"). Applicant respectfully traverses.

To be an "anticipation" rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicant's claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus

the reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Amended claim 1 requires, in part, "if it is determined that said adjustment pattern is to be formed again with said liquid ejecting section, then forming said adjustment pattern again in a position that differs from said predetermined position by ejecting liquid from said liquid ejecting section onto said medium." Claims 11, 12 and 13 contain similar elements and limitations. The Examiner argues that Valero 1 discloses all of the elements of claim 1, citing to paragraph [0012] and FIG. 1, designations 402, 404, 406 and 408 as support for disclosure of the above recited limitation.

In Valero 1, a group of test patterns 402, 404, 406, and 408 is produced by different marking implements respectively. See paragraphs [0037]-[0038].

Therefore, Valero 1 fails to disclose determining whether or not to form said adjustment pattern again with said liquid ejecting section, and fails to disclose forming said adjustment pattern again in a position that differs from said predetermined position by ejecting liquid from said liquid ejecting section onto said medium, if it is determined that said adjustment pattern is to be formed again with said liquid ejection section. Thus, amended claim 1 (and by analogy, amended claims 11, 12 and 13) is not anticipated by Valero 1, because not all of the limitations of the claim are disclosed. Claims 1, 11, 12 and 13 are patentable over the applied art and this rejection should be withdrawn.

Claims 2, 3 and 7-10 are patentable at least by virtue of their dependency from claim 1.

§103(a) rejections

2. *Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero 1 in view of Williams (US 6,164,749).* Applicants respectfully traverse.

As discussed above, Valero 1 fails to disclose all aspects of the claimed invention as found in claim 1. Because Williams fails to cure the deficient teachings in Valero 1 with respect to claim 1, the combination of the references would not lead one of ordinary skill in the art to the invention claimed in claim 1. Therefore, claim 4 is patentable at least by virtue of its dependency from claim 1.

3. *Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero 1 in view of Butterfield (US 6,685,297).* Applicants respectfully traverse.

As discussed above, Valero 1 fails to disclose all aspects of the claimed invention as found in claim 1. Because Butterfield fails to cure the deficient teachings in Valero 1 with respect to claim 1, the combination of the references would not lead one of ordinary skill in the art to the invention claimed in claim 1. Therefore, claim 5 is patentable at least by virtue of its dependency from claim 1.

4. *Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero 1 in view of Valero (US 6,802,580, hereafter "Valero 2").* Applicants respectfully traverse.

As discussed above, Valero 1 fails to disclose all aspects of the claimed invention as found in claim 1. Because Valero 2 fails to cure the deficient teachings in Valero 1 with respect to claim 1, the combination of the references would not lead one of ordinary skill in the art to the invention claimed in claim 1. Therefore, claim 6 is patentable at least by virtue of its dependency from claim 1.

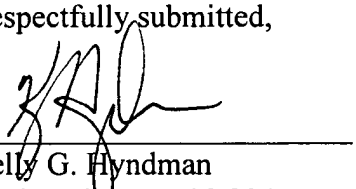
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kelly G. Hyndman
Registration No. 39,234

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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